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**PARDON BOARD TO
HEAR**

**FRANK'S PLEA
MONDAY**

Hearing on
Commutation Peti-
tion May Be Finished
by

Monday
Afternoon

The Hearing on Leo M. Frank's Petition for a Commutation of his Sentence to Life Imprisonment will begin before the State Prison Commission, in the Commission's Audience Chamber at the Capitol, Monday morning at 10 o'Clock. It is believed the Hearing will be concluded by Tuesday at noon and possibly before adjournment Monday afternoon.

It has been rumored the Commission would probably adjourn the Hearing to the Hall of the House of Representatives because of the large crowds which are expected to be in attendance. This is not likely to be done. The Commission's Audience Chamber will comfortably seat between two and three hundred persons and it is not expected there will be as many as that, directly interested, in the Proceedings.

The Commission is not concerned with furnishing Entertainment for persons who attend out of idle curiosity and it is not likely that crowding in the aisles and around the walls of the Chamber will be permitted.

The three Commissioners—Chairman R.E. Davison, Judge T.E. Patterson and E.L. Rainey—will arrive in the City Sunday and after they finish with the Frank Petition, they will probably hear others.

METHOD OF PROCEDURE.

The Procedure will, it is expected, be about as follows:

Immediately after the Hearing opens Frank's Attorneys will read and file a letter written by Judge L.S. Roan shortly before his Death. In this letter, addressed to the Prison Commission and left to be presented to that body in the event the Case ever came before them, it is understood Judge Roan reiterates his doubt of Frank's guilt and urges Executive Clemency.

After reading and filing Judge Roan's letter with the Commission numerous letters from many leading Citizens of Georgia will be read and filed, following which the Spokesmen of a number of voluntary delegations from various Sections of the State will argue in Frank's behalf. Among these will be Judge Samuel B. Adams, heading a delegation from Dalton, and Rev. Mr. Christie, Pastor of the First Baptist Church of Columbus, heading a delegation from that City.

There will, it is said, be other Georgians who will make short speeches urging a Commutation.

Attorney William M. Smith, of Atlan-

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FRANK'S PLEA HEARD TOMORROW

(Continued From Page 1.)

ta, who represented James Conley, the Negro who was the Principal Witness against Frank, will, it is understood, appear on his own motion in Frank's behalf and submit a Statement of his conclusions to the effect that Frank is innocent and that Conley murdered Mary Phagan. Mr. Smith's Statement will, it is said, deal largely with the two notes found near the murdered girl's body which Conley alleged he wrote at Frank's Dictation, and with the numerous lying Affidavits made by Conley prior to Frank's trial.

MRS. FRANK'S AFFIDAVIT.

Following Mr. Smith's Statement, Frank's Attorneys will present an Affidavit from Mrs. Leo M. Frank setting out the happy and devoted relations of her married life with Frank and denying the rumors circulated prior to and since the trial of her husband, which in effect were that she had refused to visit him at Police Station and at the Jail; that she was estranged from him because of the murder of Mary Phagan, and that she contemplated a suit for divorce.

Then will be introduced the Affidavit made by Judge Roan concerning the hostile atmosphere of the trial and his Reasons for having requested that Frank and his Attorneys be absent when the Jury returned its verdict.

Among the other Documentary evidence to be submitted will be Official Records of the trial, Motion for new trial, Extraordinary Motion for new trial, Proceedings in the Georgia Supreme Court, in the United States Supreme Court.

Ex-Congressman W.M. Howard, of Augusta, will make the Principal Argument for Frank, dealing with the Record in the Case and emphasizing the doubt as to Frank's guilt. Mr. Howard's speech will probably be a long one as he is expected to discuss the Record at some length.

When Mr. Howard concludes, the Commission will read the letter from Solicitor Hugh M. Dorsey protesting against the Commutation and if Mr. Dorsey is present and wishes to argue against Frank's Petition, he will be afforded all the time he wishes as will be any others who care to protest. Should Mr. Dorsey appear, the Attorneys for the Defense will be given an Opportunity to reply to his Arguments.

DORSEY NOT DECIDED.

Up until late Saturday afternoon, Mr. Dorsey had not decided whether he would appear before the Commission and make an Argument or just stand on his letter of protest. He will, it is understood, be governed in this respect by Developments. Should an attack be made upon him or his methods in handling the Case, he will doubtless go before the Commission and make a speech defending himself and the fairness of the trial and urging that Frank's Petition be denied.

Information has been received at the Prison Commission's Office that several delegations from other State will appear on behalf of Frank's Petition. Among these, it is said, will be delegations from Boston and Chicago.

Petitions and letters asking for a Commutation for Frank and signed by between 2,000 and 3,000 well known Georgians were sent to Governor Slaton late Friday afternoon.

These come from dozens of Cities, Towns, and the Rural Communities, and included in the list are Judges, Lawyers, Mayors, Legislators, Physicians, Bankers, Ministers, Merchants and members of all the Professions and Callings.

Hooper Alexander, United States District Attorney for the Northern District of Georgia, has filed a Plea for a Commutation of Frank's Sentence in which he seeks to show by the State's own witnesses that Frank did not murder Mary Phagan, but that James Conley, the Negro now serving a Sentence as an Accessory after the Crime, was the Slayer of the girl.

Mr. Alexander explicitly states in his Communication, which comprises approximately 25,000 words, that he makes his Appeal on Frank's behalf, not in his Capacity as Federal Attorney, but entirely in the Capacity of a Private Citizen of Georgia, 'who does not desire to see an innocent man hanged for another's Crime.'

His Argument starts with the proposition that Conley's Admission that he wrote the "murder notes" found beside Mary Phagan's body, raises the conclusion that unless he can furnish a creditable explanation, Conley was the slayer.

TRUTH OF CONLEY'S STORY.

"The whole question," writes Mr. Alexander, "resolves itself into an inquiry as to the Truth of Conley's Story. Agreeing to the proposition that the presumptions are, in the present Status, in favor of its Truth, I propose to show how, when and why the Story was manufactured, and I shall do this without referring to any testimony offered for the Defense, or stating any Fact, depending on that testimony."

In the effort to fulfill this promise, Mr. Alexander presents circumstances tending to show why the Police were liable to be mistaken and why the Public failed at the time to perceive the importance of the discovery that Conley wrote the "murder notes." He sets forth the known Facts as the Equation of a mathematical problem, traces, and groups the movements of the persons concerned on the day of the murder, as testified to by the State's Witnesses, shows the evolution of Conley's stories, the changes Conley made in them, and the probable motive for each variation. He also points out alleged inconsistencies in Conley's Statements and argues on the physical impossibility of Material Features in the Negro's story. In this connection, he says:

"While Conley's account of his actions and conversations with Frank after the murder occupied, according to him, only thirty-four minutes, they could not have occurred within two hours. According to the testimony of the Detectives, it would have taken more than an hour to prepare the notes alone, but I reduced the estimate to half an hour."

Many Editors and Publishers

File Plea in Frank's Behalf

One of the stronger Petitions on behalf of a Commutation of Leo M. Frank's Sentence yet to reach the Governor's Office bears the Signatures of many of the leading Editors and Publishers of the United States.

The Petition cites the Fact that "millions of people in America are firmly convinced of Leo M. Frank's innocence, and many more millions are convinced that his guilt has not been established beyond doubt. Disinterested people who have familiarized themselves with the evidence in the Frank Case and the Exceptional Circumstances attending the Case and the nature of the testimony on which he was convicted, have expressed their Belief that he is innocent."

The Petition then calls attention to Judge Roan's expression of doubt concerning Frank's guilt and the Fact that two Justices of the Georgia Supreme Court as well as two of the United States Supreme Court dissented on Affirmations of the Judgments of the Lower Courts, and the further Fact that these High Courts did not pass upon the question of the guilt or innocence of Frank but upon technical questions concerning Judicial Procedure.

Following is a list of the Editors and Publishers who signed this Petition:

Herman Bernstein, Editor of *The Day*, New York; Melville E. Stone, General Manager of the *Associated Press*; W.M. Harris, Editor of *The Sun*, New York; Arthur Brisbane, Editor of *Evening Journal*, New York; H.J. Wright, Editor of *The Globe*, New York; O.G. Villard, Editor of *Evening Post*, New York; Dr. Lyman Abbott, Editor of *The Outlook*; R.D. Townsend, Managing Editor of *The Outlook*; H.D. Wheeler, Editor of *Harper's Weekly*; Hamilton Holt, Editor of *The Independent*; Douglas Z. Doty, Editor of *Nebraska State Journal*; R.E. Stafford, Editor of *The Daily Oklahoma*; Marcellus E. Foster, President of *Houston Chronicle* (Texas).

John S. Phillips, Editor of *American Magazine*; Mark Sullivan, Editor of *Collier's Weekly*; Erman J. Ridgway, Editor of *New Republic*; E.E. Whiting, Editor of *Boston Evening Record*; Edwin A. Grozier, Editor of *Boston Evening Record*; Hon. Martin H. Glynn, Editor of *Albany Times Union*; H.D. Burrill, Publisher of *Syracuse Journal*; St. Clair McKelway, Editor of *Brooklyn Eagle*; Frank R. Kent, Editor of *Baltimore Sun*; N.C. Leech, Editor of *Cleveland Leader* and *Cleveland News*; Felix Agnus, Publisher of *Baltimore Sun*; Eugene T. Glerling, Editor of *Wilkes-Barre (Pa.) Record*; G. R. Chadbourne, Editor of *Kennebec Journal (Me.)*; T.R. Williams, Manager of *Pittsburg Press*; William W. Canfield, Editor of *Utica Observer (N. Y.)*; James Kerney, Editor of *Trenton Evening Times*; F. A. Walker, Manager of *Washington Times (D.C.)*; W.K. McKay, Editor of *Chicago Evening Post*; D. Smith, Editor of *Indianapolis News*; Victor Rosewater, Editor of *Omaha Daily Bee*; N.C. Packard, Editor of *Green Bay Gazette (Wis.)*; Colonel N. G. Osborn, Editor of *New Haven Journal-Courier*; Edward W. Scudder, Editor of *Newark Evening News (N.J.)*; Phil J. Reid, Editor of *Free Press*; Colonel Henry Watterson, Editor of *Louisville Courier-Journal*; Willis M. Ball,

Editor of *The Florida Times-Union*; Erwin Craighead, Editor of *Mobile Register* (Ala.)

H.L. Hindley, Editor of *Rutland Herald* (Vt.); Edmund W. Booth, Editor of *Grand Rapids Press* (Mich.); Percy B. Ruthe, Editor of *Allentown Morning Call* (Pa.); Desha Breckinridge, President of *Lexington Herald* (Ky.); Richard Hooker, *Springfield Republican* (Mass.); C.P.J. Mooney, Editor of *Chicago Tribune*; T. R. Warning, Editor of *Charleston Evening Post* (S.C.); Hon. Arthur Capper, (Governor of Kansas), Editor of *Topeka Daily Capital*; D.D. Moore, Editor of *New Orleans Times-Picayune*; Howard Roosa, Editor of *Evansville Courier*(Ind).

Anti-Death Society Sends 800,000 Names

(By Associated Press.)

NEW YORK, May 29.—A Petition with 800,000 Signatures for Commutation of the Death Sentence of Leo M. Frank was sent tonight by the anti-Death Committee, of the Women's Peace Society, to Governor Slaton of Georgia. Miss Elberta K. Shipley, Chairman of the Leo M. Frank Petition Committee, sent a letter to the Governor recounting the work the Committee has done "in the Cause of Justice and Humanity" and requesting the Commutation of Frank's Sentence.

Columbus Mayor Heads Party Pleading for Frank

(By Associated Press.)

COLUMBUS, Ga., May 29.—A delegation will go to Atlanta Monday to appear before the State Prison Commission on behalf of Leo M. Frank's Application for a Commutation of his sentence. The delegation will include Mayor John C. Cook, Sheriff J.A. Beard, Judge Henry K. Gammon, Judge A.W. Cozart, representative Edward Wohlsender, City Health Officer J.T. Moncrief, and Dr. L.H. Christie, Pastor of the First Baptist Church. The delegation was selected at a meeting of Citizens this afternoon.

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**DORSEY MAKES
PUBLIC**

LETTER TO COMMISSION

Letter Gives His Reasons for Opposing Commutation of Frank's Sentence

Solicitor Hugh M. Dorsey Saturday gave to the Newspapers Copies of his letter to the State Prison Commission, opposing the granting of a Commutation to Leo M. Frank. Mr. Dorsey said that he made his letter public with the content of the Prison Commission. In the letter, the Solicitor says: "I confess myself unable to find in the Record of this Case, a single ground upon which to justify the Solicitor General, charged with the

enforcement of the Law, in asking that the Decree of the Courts shall be overridden by the Governor, the Chief Executive, upon whom, also, the Constitution of the State enjoins the sacred obligation to "take care that the Laws are faithfully executed."

The letter in full as follows:

Atlanta, Ga., May 22, 1915

Mr. R.E. Davison, Chairman Prison Commission of Georgia,
Atlanta, Georgia.

Dear Sir:

In re: Application of Leo M. Frank for Commutation of Death Sentence.

In acknowledging Receipt of Notice of the pending Application for Executive Clemency on behalf of the above stated party, convicted of murder at the July, 1913, term of Fulton Superior Court, and in reply to your communication on the same subject dated May 17, 1915, I beg to say that I have no objection to the date assigned by you for the Hearing of the Application.

As Rule 5 of the "joint Rules established by the Governor and the Prison Commission Governing Applications for Executive Clemency" requires the Papers submitted to your Board to "include expressions of Opinion as to the merits of the Application from the Judge or Solicitor General who tried the Case, when obtainable," and as Judge Roan, now deceased, presided as Judge, and I represented the State as Solicitor General upon the trial, I assume that your notice of the Assignment of the Hearing is intended to invoke the written expression required by the Rule, as to the merits of the pending Application of Frank for Executive Clemency.

The Petition recites the filing with the Prison Board of “four Copies of the Brief of the evidence introduced at the trial upon which the conviction of the Petitioner was based.”

The Records of the motion for new trial, which was overruled by the trial Judge, and of the Decision of the Supreme Court of Georgia affirming the Judgment, the Extraordinary Motion for new trial which was likewise overruled by the Judge of Fulton Superior Court; the Decision of the Supreme Court of Georgia affirming that Judgment; the motion to set aside the verdict of the Jury, overruled by Judge Benjamin H. Hill, and the Decision of the Supreme Court of Georgia affirming said Decision; the Writ of Habeas Corpus denied by Judge W. T. Newman, of the United States Court, and the Decision of the Supreme Court of the United States affirming that Judgment, are doubtless part of the Record that will be considered by you, and if not can be furnished by me, upon request, for your consideration.

The Records present the details of the Crime for Commission of which Frank was convicted by Courts of this County, and illustrate the conditions, and circumstances, under which the Crime was committed.

I do not understand the Application for Executive Clemency to set up any newly discovered evidence, or other grounds not heretofore considered and finally adjudicated by the various Judges of all the Courts, State and Federal, which have declined to interfere with the verdict of the Jury finding Frank guilty of the murder of Mary Phagan.

This is therefore an Application for the Amelioration of the Penalty, of a Crime for the Commission of which the Courts have finally adjudicated the Applicant, guilty. Indeed, the Application does not pray for a Pardon, but in express terms asks that the

Applicant be punished by Life Imprisonment instead of the Penalty imposed by the trial Court.

The Facts and circumstances surrounding the Commission of the murder of Mary Phagan do not invoke the exercise of mercy or offer inducement to temper the Penalty of the Law to one who has been finally convicted of the Crime.

I do not believe that the education, opportunities and influence of the Applicant or the importunities of his friends should be permitted to affect the expression of an official opinion, and I confess myself unable to find in the Record of this Case a single ground upon which to justify the Solicitor General, charged with the Enforcement of the Law, in asking that the Decree of the Courts, the Chief Executive, upon whom, also, the Constitution of the State enjoins the sacred obligation to "take care that the Laws are faithfully executed."

The very Fact that the conviction of the Applicant by a Jury of twelve Citizens has been affirmed by the Judges of all the Courts, State and Federal, by whom the Case has been reviewed, despite the circumstances of the Defendant and the Unusual and indefatigable exertions of his influential friends in and out of Georgia, confirms my sincere respect for the integrity of our Courts and justifies my deepest conviction that in this Case the ends of Justice have been accomplished by the Process of the Law.

If there should be matters not disclosed by the Record, where my information or the Files of my Office, can serve you in the consideration of this Application, I am subject to your commands.

With respect, I am,

Yours truly,

HUGH M. DORSEY

Solicitor General Atlanta Judicial Circuit.

Mrs. Coleman Protests Against Commutation

Mrs. J. W. Coleman, mother of Mary Phagan. Saturday afternoon mailed to the State Prison Commission the following letter protesting against a Commutation of Sentence for Leo M. Frank:

Atlanta, Ga., May 29,

1915

"Hon. Prison Commissioners of Georgia."

"Dear Sirs: I am advised by the Newspapers and the Solicitor General's Office that you will pass upon the Application of Leo M. Frank for a Commutation of Sentence Monday, May 31st."

"I beg to state that I have watched this Case very closely from the beginning. I heard all of the evidence and have read all the later Developments. I am thoroughly convinced that Leo M. Frank is responsible for the Death of my daughter."

“In this matter, I have no bitterness, but feel that the penalty that the Law has imposed is not too severe. The Fact that Frank and his friends have had a great deal of money to spend and have had a great deal of influence at home and abroad should have no effect on this Case.”

“Very sincerely,”

“MRS. J. W.

COLEMAN.”

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Why Frank's Sentence Should be commuted.

There is one all important Reason why the Death Sentence of Leo M. Frank ought to be commuted to Life Imprisonment, a Reason that is rooted in the mind and conscience of the people of Georgia and of the United States, a Reason that arises above pity and prejudice alike and breathes the cold, clear air of Justice. Frank's Sentence ought to be commuted to Life Imprisonment

because of the deep seated and overshadowing doubt of his guilt. The state cannot afford to sacrifice Human Life on uncertainties.

This doubt is not fanciful or impulsive. It is not confined to one Class or Section. It is logical and mature. It is shared by all sorts and conditions of men throughout the nation. Groups and individuals here and there could be stirred by emotion to intercede in a condemned Prisoner's behalf, but only a thoughtful, solemn conviction could draw hundreds of thousands of minds to the same belief and unite them in a single Appeal.

It is profoundly significant, therefore, that the rank and file of the Atlanta Bar and of the Georgia Bar have grave doubts as to the guilt of Frank. It is profoundly significant that a majority of the thoughtful people in this as in other States feel that the evidence on which he was convicted is not sufficient to justify his Execution. It is profoundly significant that eminent Jurists and Churchmen, Congressmen, Governors, Senators, Legislatures and thousands upon thousands of Citizens have appealed and are appealing for a Commutation of his Sentence.

These expressions do not represent an outburst of popular sentiment. They represent a crystallization of Public Judgment. The people of Georgia and of the Common Country are thinking of Frank's Case coolly and fairly; and they are not convinced of his guilt. If he is to be guilty, he has not been proved so beyond a reasonable doubt. If he is to be innocent, his Execution would be a brand of everlasting shame upon the honor and integrity of the State. It is thus that the thoughtful public Reasons and earnestly present its Plea to the Pardon Board and the Governor.

These Authorities alone can determine the issue that involves the Character of our Commonwealth as well as the Life of a man. It is for the Board to recommend, and for the Governor to decide whether Frank shall be hanged in the face of a grave

doubt as to his guilt or be granted the Justice of that doubt and a Commutation of Sentence. They are not asked to acquit him nor to declare him innocent. They are asked simply to recognize the terrible responsibility of Dooming to Death a man whose guilt has not been conclusively established.

The Journal respectfully urges the Board and the Governor to consider this Case in the broad light of public conscience and in that Spirit of Wisdom and Justice and Moderation which has stood a long age as the Shield of Georgia's Faith. Convinced as we are, that the Execution of Frank, in the doubt that now surrounds his Case would be a tragic Injustice, we earnestly urge that his Sentence be commuted to Life Imprisonment.
